

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 10-10275-DPW
)
 JOSE L. BAEZ)

GOVERNMENT'S PROPOSED VOIR DIRE QUESTIONS

The United States of America, through its attorneys, Carmen M. Ortiz, United States Attorney, and David G. Tobin and Robert E. Richardson, Assistant U.S. Attorneys, hereby requests that the Court ask the following voir dire questions to the jury panel in addition to those questions the Court normally would ask:

1. As jurors, you will be the sole judges of the facts. When I instruct you as to the law, will you have any hesitation in following those instructions, even if you do not agree with the law as I have instructed you?
2. Have you, a family member, or a close friend or business associate ever been involved in a criminal case as either a victim, a witness, or a person charged with a crime? If so, please raise your hand and I will speak with you in private at the side bar.
3. Have you, a family member, or a close friend or business associate ever been involved in the criminal justice system as a prosecutor, a defense attorney, an employee of either a prosecutor or a defense attorney, or as a law enforcement officer? If so, please raise your hand and I will speak with you in private at the side bar.
4. Have you, a family member, or a close friend or business associate had any experience with any police officer, police department, or other law enforcement officer or agency, that may influence in any way your consideration of this arson?

5. This case is brought against the defendant by the United States of America. Have you, any member of your family, or a close friend ever had any dealings or experiences with the federal government, favorable or unfavorable, that might influence or affect your consideration of this case?
6. This case was investigated in part by agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives, or "ATF," by the Boston Fire Department, by the Cambridge Fire Department, and by the Boston Police Department. Have you, any member of your family, or a close friend ever had any dealings or experiences with any of those agencies, favorable or unfavorable, that might influence or affect your consideration of this case?
7. The indictment alleges that the defendant, Jose L. Baez, committed arson on four separate occasions. Do you have any feelings about the crime of arson that may affect your ability to judge this case fairly and impartially for both the United States and the defendant?
8. During the course of the trial you may receive evidence obtained by means of a so-called GPS device placed by ATF on the defendant's car without the defendant's knowledge. Do you have any feelings about the use of such GPS devices that would cause you to disregard such evidence or otherwise make it difficult for you to consider such evidence along with all of the other evidence in the case?
9. During the course of the trial you will hear evidence that one or more firefighters sustained personal injury at the fires charged in two of the counts in the indictment. Do you have any feelings about injuries sustained by firefighters under such circumstances that might affect your ability to judge this case fairly and impartially for both the United States and the defendant?

10. Do you have any beliefs, whether philosophical, religious, or otherwise, that would prevent you from or make it difficult for you to pass judgment on another person?
11. Do you have any hearing impairment that may affect your ability to listen to testimony of witnesses?
12. Certain of the witnesses that are expected to testify are law enforcement witnesses. Would you be either more likely or less likely to believe the testimony of a witness merely because that witness is a member of law enforcement?
13. Do you have any difficulty in understanding English that may affect your ability to understand the testimony of witnesses?
14. Do you know of any reason why you cannot sit as a fair and impartial juror in the trial of this case?

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By:

/s/Robert E. Richardson
DAVID G. TOBIN
ROBERT E. RICHARDSON
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I, Robert E. Richardson, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 17, 2012.

/s/Robert E. Richardson
ROBERT E. RICHARDSON